

**REPRESENTATIVE TOWN MEETING
JANUARY 25, 2010**

CALL TO ORDER

A Regular meeting of the Representative Town Meeting was called to order by Donna Rajczewski, Town Clerk, at 8:05 p.m.

**RECEIVED
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TOWN CLERK'S OFFICE
DARIEN CT.**

Upon Roll Call, the following members were present:

From District I, there were 16 members present, 1 absent.
From District II, there were 17 members present, 0 absent.
From District III, there were 14 members present, 4 absent.
From District IV, there were 12 members present, 4 absent.
From District V, there were 16 members present, 0 absent.
From District VI, there were 15 members present, 1 absent.

The absentee from District I was: Piccaro.
The absentees from District III were: Fead, Maroney, Morton, Smith.
The absentees from District IV were: Millar, Miller, Morrison, Peters.
The absentee from District VI was: Bealle.

The Moderator, Karen A. Armour, assumed the Chair.

ACCEPTANCE OF THE AGENDA

**** THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.**

**APPROVAL OF THE MINUTES OF THE DECEMBER 7, 2009 STATE OF THE TOWN
MEETING**

**** THE MINUTES WERE APPROVED BY UNIVERSAL CONSENT.**

ANNOUNCEMENTS

Mrs. Armour said that Lois Schneider, Chairman of the Education Committee, had reported that there are three important meetings coming up on the next three Tuesdays, information on which is on the web site. This is a very difficult budget season. Changes are causing concern to parents. Information will be provided to district chairs.

10-1

**CONSIDERATION AND ACTION ON ACCEPTANCE OF JAG GRANT AWARDED
TO THE DARIEN POLICE DEPT. FOR TRAINING VIDEOS**

**CAROLYN SCHOONMAKER, DISTRICT IV, CHAIRMAN OF PUBLIC HEALTH &
SAFETY, MOVED:**

WHEREAS, the Darien Police Department has received a Recovery Act Connecticut Local Pass-Through Justice Assistance Grant; and

WHEREAS, this grant is administered through OPM; and

WHEREAS, the equipment must be delivered and inspected before the grant can be received; and

WHEREAS, this grant will allow for the purchase of video production equipment that will give the Police Department the ability to produce its own training videos; and

WHEREAS, this grant has a value of Thirty Thousand and 00/100 Dollars (\$30,000.00); and

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien authorizes the acceptance of the grant. In particular, the Representative Town Meeting authorizes the acceptance of a Recovery Act Connecticut Local Pass-Through Justice Assistance Grant to allow for the purchase of video production equipment by the Darien Police Department.

BE AND IT IS FURTHER RESOLVED that the Representative Town Meeting of Darien appropriates the sum of up to Thirty Thousand and 00/100 Dollars (\$30,000.00) to purchase the equipment as a condition of the grant.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Carolyn Schoonmaker, District IV, Chairman of Public Health & Safety, read that committee's report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

**** ITEM 10-1 CARRIED ON A RISING TALLY VOTE OF 86 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

10-2

CONSIDERATION AND ACTION ON ACCEPTANCE OF GIFT TO THE DARIEN POLICE DEPT. FOR ACCIDENT INVESTIGATION SOFTWARE & EQUIPMENT

**** CAROLYN SCHOONMAKER, DISTRICT IV, CHAIRMAN OF PUBLIC HEALTH & SAFETY, MOVED:**

WHEREAS, pursuant to Section 2-33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts, provided gifts do not have a value in excess of Ten Thousand and 00/100 Dollars (\$10,000.00); and

WHEREAS, pursuant to Section 2-33a of the Code of the Town of Darien, said gifts in excess of Ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the Representative Town Meeting of the Town of Darien; and

WHEREAS, the Darien Technology and Community Foundation is prepared to fund accident investigation technology for the Darien Police Department; and

WHEREAS, this gift has a value of approximately Twenty Thousand and 00/100 Dollars (\$20,000.00); and

WHEREAS, the Board of Selectmen at its meeting of November 16, 2009 approved the acceptance of this gift and wishes to have it accepted to support the activities of the Police Department.

NOW THEREFORE BE IT RESOLVED that the Representative Town Meeting of the Town of Darien accepts with thanks the gift from the Darien Technology and Community Foundation. In particular, the Representative Town Meeting authorizes the acceptance of the funding of up to Twenty Thousand and 00/100 Dollars (\$20,000.00) for the software, equipment and training for the Darien Police Department.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Carolyn Schoonmaker, District IV, Chairman of Public Health & Safety, read that committee's report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

**** ITEM 10-2 CARRIED ON A RISING TALLY VOTE OF 86 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

10-3

CONSIDERATION AND ACTION ON POLICE DEPT. NON-EMERGENCY INTERAGENCY AGREEMENT

**** CAROLYN SCHOONMAKER, DISTRICT IV, CHAIRMAN OF PUBLIC HEALTH & SAFETY, MOVED:**

WHEREAS, the Town of Darien was part of a successful joint DWI Enforcement Grant application with the City of Stamford and the Town of New Canaan; and

WHEREAS, a formal agreement is required to facilitate sharing of municipal police resources to advance the goals and objectives of the State's regional grant program; and

WHEREAS, Connecticut General Statutes §7-148cc allows for the creation of agreements that empower the joint delivery of a municipal service by two or more municipalities so long as such an agreement is approved by the municipalities in the same process an ordinance is approved; and

WHEREAS, the Darien Board of Selectmen wishes to participate in a granted-funded regional DWI enforcement program which requires the approval of a Mutual Police Assistance Compact; and

WHEREAS, the Darien Board of Selectmen at its meeting of November 16, 2009 approved the Mutual Police Assistance Compact.

NOW THEREFORE, BE IT RESOLVED that the Representative Town Meeting of the Town of Darien hereby approves the Non-emergency Interagency Agreement between the Police Departments of Darien, Stamford and New Canaan attached hereto and made part hereof. It further authorizes the First Selectman to execute said agreement.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Carolyn Schoonmaker, District IV, Chairman of Public Health & Safety, read that committee's report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

Flora Smith, District I, asked what the typical amount of this grant is and, if it is lost, if that ends the cooperative efforts.

Chief Lovello said this agreement allows each town to render assistance in neighboring jurisdictions, but still retain their police powers in that jurisdiction. Grants are a very common way that these inter-agency agreements are used.

Elisabeth Bacon, District II, asked how they could vote on this until the liability issue is resolved. Town Counsel Fox said that the Finance & Budget Committee had voted to support this resolution despite that concern. He is sure that the Town Administrator would check on this and present his findings back to the Finance & Budget Committee.

Bruce Orr, District V, Chairman of Finance & Budget, said that committee recommended that the RTM vote for this, but that should be a condition. They have full confidence that the Town Administrator and Town Counsel would address the issue of indemnification. He is not putting forth an amendment, only a request that the Town Administrator report back to Finance & Budget.

Town Counsel Fox said under this agreement, there is a provision that every town can withdraw with 30-days notice.

Robert Young, District III, asked if this draws down any resources or funds from Darien, and if so, how much. Chief Lovello said the use of this agreement will be very infrequent. They draw more resources from the Stamford Police Department than they give. He would not anticipate any substantial costs. If there were, he would have to rethink this.

Flora Smith, District I, again asked about indemnification.

Jack Davis, District V, said that the Finance & Budget Committee said if indemnification did not line up with this agreement, it would have to be fixed. They did not know if it lined up or if it didn't.

The Moderator said she was hearing that they have officers who go out of town all of the time and they are indemnified, so presumably that will be the case in this instance as well. Chief Lovello agreed with the Moderator's assessment.

**** ITEM 10-3 CARRIED ON A RISING TALLY VOTE OF 84 IN FAVOR, 0 OPPOSED, 4 ABSTENTIONS.**

10-4

CONSIDERATION AND ACTION ON TAX ABATEMENT ORDINANCE FOR HANDICAPPED-ADAPTED VEHICLES

**** BRUCE ORR, DISTRICT V, CHAIRMAN OF FINANCE & BUDGET, MOVED:**

WHEREAS, pursuant to Section 12-81c of the Connecticut General Statutes, municipalities have the option to exempt certain motor vehicles from personal property taxation; and

WHEREAS, the Darien Code of Ordinances does not specifically address the issue; and

WHEREAS, there is a desire on the part of the Darien Representative Town Meeting to amend the Darien Code of Ordinances to address the issue.

BE AND IT IS HEREBY RESOLVED that the Darien Code of Ordinances is amended to adopt the proposed Ordinance attached hereto and made part hereof.

ORDINANCE ESTABLISHING TAX EXEMPTIONS FOR CERTAIN HANDICAPPED MOTOR VEHICLES

1. Grant of exemption

The Town of Darien, pursuant to § 12-81c of the Connecticut General Statutes, hereby exempts from personal property taxation any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically-incapacitated individual, except any such vehicle used to transport any such individual for payment. For purposes of this section:

AMBULANCE-TYPE VEHICLE shall mean any motor vehicle specially equipped or modified in a significant way for the purpose of transporting medically incapacitated individuals, including but not limited to the inclusion of special hand controls, lifts, ramps, the equipping of stretchers or other special seating and significant modifications to accommodate medical equipment such as oxygen or mechanical respirators.

USED EXCLUSIVELY shall mean the vehicle is used and devoted primarily and inherently for the purpose of transporting medically incapacitated individuals and does not mean vehicles partly for transporting medically incapacitated individuals and partly for other purposes.

2. Proof of modification required

Individuals requesting such exemption must show proof to the Town Assessor that the vehicle was modified for use by a handicapped individual or for the transport of a handicapped individual. Individuals requesting such exemption must show proof to the Town Assessor that the vehicle was modified with properly-installed digital/hydraulic gas/brake mechanisms/loading and unloading lift device (lift harness, motorized loading ramp) which is to be used to assist the physically-challenged individual and/or the transporter for physically-challenged individuals.

3. Application

Any person who desires to claim the exemption provided in this Article must file a written application annually with the Tax Assessor of the Town of Darien by October 3 of any given year. Failure to file such application in the manner and form provided herein shall constitute a waiver of the right to such exemption for the assessment year.

4. Expiration of exemption

The exemption will expire when the vehicle is sold.

5. Effective Date

This article shall be effective for taxes due on the Grand List of October 1, 2010, and thereafter.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

Carolyn Schoonmaker, District IV, Chairman of Public Health & Safety, read that committee's report (attached).

Sam Schoonmaker, District IV, a member of TGS&A, reported that this committee met this evening, with 7 members present, and voted unanimously in favor of this resolution.

Questions were raised as to whether a quorum of TGS&A was present, but it was noted that 7 of 13 members had been present, constituting a quorum.

**** ITEM 10-4 CARRIED ON A RISING TALLY VOTE OF 85 IN FAVOR, 1 OPPOSED, 0 ABSTENTIONS.**

09-17A

CONSIDERATION AND ACTION ON THE TWEEDY PROPERTY PURCHASE FOR THE GOODWIVES SEWER EXTENSION PROJECT

**** MARK ADILETTA, DISTRICT V, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

WHEREAS, the Town of Darien has the opportunity to purchase and is desirous of purchasing a vacant 0.05 acre parcel of land located between Goodwives River Road and the Goodwives

River in Darien, Connecticut, for the Goodwives Sewer Extension Project. A description of the property is attached hereto as Schedule A; and

WHEREAS, the record owner of the property is one, Lucy Richards Tweedy; and

WHEREAS, the Darien Sewer Authority would use this strip of land adjacent to the small bridge over the Goodwives River for the construction of a sewer line as part of the Goodwives Sewer Extension Project; and

WHEREAS, the agreed upon purchase price for the acquisition of the property is Thirty-Nine Thousand and one hundred and no 00/100 Dollars (\$39,100.00) ; and

WHEREAS, the Town's October 1, 2008 Revaluation at 100% value is \$39,100.00 for the parcel; and

WHEREAS, the Board of Selectmen at its January 4, 2010 meeting approved a resolution to purchase the subject property; and

WHEREAS, the Board of Finance of the Town of Darien at its meeting of July 21, 2009 approved the bond resolution appropriating funds for this project which included funds to purchase said property; and

WHEREAS, the Darien Sewer Authority has included the cost of purchasing this parcel of land in the Goodwives Sewer Extension Project budget, which means that the property owners who will benefit from this sewer extension project will reimburse the Darien Sewer Authority for the cost of purchasing this parcel through the assessment process; and

WHEREAS, a favorable report date June 2, 2009 has been received from to the Planning and Zoning Commission as required by §8-24 of the Connecticut General Statutes; and

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien authorizes the Board of Selectmen to execute a contract in conjunction with the acquisition of said property. It further authorizes the purchase of said property and the First Selectman to enter into all agreements necessary, appropriate and desirable to effectuate said purchase.

SCHEDULE A

ALL THAT CERTAIN parcel of land situated in the Town of Darien, County of Fairfield and State of Connecticut, bounded Northerly and Easterly by Goodwives River Road; Southerly by land now or formerly of David J. Mangini, Weston C. Elliot, Jr., and Ronna Miller Elliot; and Westerly by Goodwives River.

BEING the same property referred to as "Third Tract" in Certificate of Devise from the Estate of Janet B. Tweedy to Lucy Richards Tweedy and recorded on December 12, 2003 in Volume 1155 at Page 321 of the Darien Land Records. Also being the premises shown as Parcel C on a survey entitled "Map Showing Property owned by Janet B. Tweedy at Darien, Connecticut" prepared by Peter R. Myer, Land Surveyor and filed in the Darien Town Clerk's Office as Map No. 3534.

Said premises are conveyed subject to:

1. Any and all provisions of any ordinance, municipal regulation, or public or private law, including but not limited to the zoning and planning rules and regulations established in and for the Town of Darien.
2. Taxes of the Town of Darien on the List of October 1, 2009.
3. Rights of others in or to the Goodwives River and Gorhams Pond.
4. Any state of facts which an accurate survey or physical inspection of the premises may reveal.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Mark Adiletta, District V, Chairman of the Public Works Committee, read the committee report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read that committee's report (attached).

Flora Smith, District I, asked what would happen with the Stony Brook Pumping Station. She asked if there was going to be a follow-up project or if they would just have raw sewage.

Mark Adiletta, District V, Chairman of the Public Works Committee, said the question of the Stony Brook pump station had been raised. That station has plenty of capacity to handle the system. There is a subcommittee of the Public Works Committee to meet with Mr. Steeger to go over past plans to address this issue. They will also speak to the Board of Selectmen about this issue.

**** ITEM 9-17A CARRIED ON A RISING TALLY VOTE OF 85 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

10-5

CONSIDERATION AND ACTION ON TAX ABATEMENT ORDINANCE FOR AFFORDABLE HOUSING

**** JOHN VAN DER KIEFT, DISTRICT V, CHAIRMAN OF PZ&H, MOVED:**

WHEREAS, Connecticut General Statutes § 8-215 allows tax abatement for housing for low and moderate income persons; and

WHEREAS, Connecticut General Statutes § 8-215 allows any municipality by ordinance to provide for the abatement in part or in whole of real property taxes on housing solely for low and moderate income persons or families; and

WHEREAS, the Board of Selectmen reviewed and approved a proposed ordinance and forwarded it to the RTM for its consideration.

BE AND IT IS HEREBY RESOLVED that the Representative Town Meeting of the Town of Darien adopts the enabling legislation allowing tax abatement or low and moderate income housing as more specifically set out in the ordinance attached hereto and made part hereof.

**PROPOSED DARIEN TAX ABATEMENT ORDINANCE
FOR LOW AND MODERATE INCOME HOUSING**

Sec. 1. Tax abatement ordinance for low and moderate income housing.

(a) *Definitions.* For the purposes of this section:

(1) *Low and moderate income housing* means affordable housing as defined by G.S. 8-39a, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sale prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing solely to persons or families whose incomes do not exceed prescribed limits.

(2) *Owner* means a person or persons, partnership, joint venture, or corporation who or which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency, either federal, state or local, which limits occupancy of the low and moderate income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose income do not exceed prescribed limits.

(b) *Contracts for abatement.* The First Selectman may, in accordance with G.S.8-215, and with the approval of the representative town meeting, enter into contracts for the Town with owners of low and moderate income housing, granting abatement, in whole or in part, of the taxes on the real estate used for such low and moderate income housing. The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied. Each such contract shall require that the owner apply the money equivalent of the taxes so abated to one or more of the following specified purposes: (1) to reduce rents below the levels which would be achieved in the absence of abatement; (2) to improve housing quality and design; (3) to effect occupancy by persons and families of varying low and moderate income levels, within limits determined by the Commissioner of Economic and Community Development by regulation; or (4) to provide necessary related facilities or services in such housing.

(c) *Term.* The abatement shall become effective on the date specified in the contract between the town and an owner of low and moderate income housing. The term of abatement shall extend for the remainder of the fiscal year in which abatement becomes effective and may continue for a period not to exceed thirty-nine (39) consecutive fiscal years thereafter; provided, that such abatement shall terminate at any time when the property for which tax abatement has been granted is not used solely for low and moderate income housing; and provided, further, that the continuation of such abatement may be conditioned upon the continuation of state reimbursement to the town for such abatement. The abatement authorized herein shall be granted only for affordable housing developments wherein at least fifty percent of the dwelling units qualify as low and moderate income housing and have received a Special Permit for the affordable housing development from the Darien Planning and Zoning Commission and upon which construction or rehabilitation commenced after March 1, 2010. Only the low and moderate income housing units are eligible for a tax abatement. Any contract heretofore or hereafter entered into between the town and an owner of low and moderate income housing may be amended by the parties to extend the period of abatement up to thirty-nine (39) years in accordance with this section.

(d) *State assistance.* The First Selectman may, with the approval of the representative town meeting, execute a contract on behalf of the town with the state for financial assistance by the state in the form of reimbursement for the tax abatement granted to an owner of low and moderate income housing in accordance with this section.

Sec. 2. Effective date March 1, 2010.

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

John van der Kieft, District V, Chairman of PZ&H, read that committee's report (attached).

Bruce Orr, District V, Chairman of Finance & Budget, read the committee report (attached).

Sam Schoonmaker, District IV, Vice-Chair of TGS&A, said that committee met this evening, with 12 of 13 members present, and briefly discussed this item. They voted 10 in favor of postponing this, 2 in favor of going forward. This was because there were so many questions that they felt they did not have handled. There were many concerns. People were not opposed to this ordinance; they felt they were going too fast and should wait until at least the next RTM meeting.

First Selectman David Campbell said that the RTM will have a say about any tax abatement. There is no real problem with it. For example, this project (Allen O'Neill) has been here for 50-60 years and there are empty apartments. This body has to decide what they want to do. This ordinance can be a help to other developers. This is a very low cost help to Darien.

Martha Banks, Board of Finance, read the report of the Board of Finance (attached).

Fred Conze, Chairman of the P&Z Commission, said this regulation requires a special use permit, which is their fail-safe. This would basically stop someone from filing an 8-30G application with the thought of availing himself of this ordinance. He said that the Board of Finance should have a very strong position on this. He and the other P&Z commissioners are very much in favor of this.

State Representative Terrie Wood said it would be helpful to be able to say in Hartford that this is being worked on in Darien. She agreed that the Board of Finance should have oversight.

Joseph Warren, member of the Housing Authority, said the redevelopment of Allen O'Neill is a question of when, not if. The worst thing they could do is nothing. A tax abatement grant under this ordinance would be a big help in this effort. If it is not granted, they will have to reconfigure the last rent units in this development. This ordinance is not a financial ordinance. It is a policy ordinance that has financial implications. Policy is proposed by the Board of Selectmen and enacted by the RTM. As a taxpayer, the Board of Finance should not have veto power against something that is coming before this body. Tax abatement should be discussed by the Board of Selectmen and the RTM. This ordinance is not written specifically for Allen O'Neill. They are asking for an abatement of taxes during this time that Allen O'Neill is under construction – not for 39 years. The Housing Authority will grant their current residents the ability to come back at the same rent structure they currently enjoy. The new rent structure will be higher. The rent increase should be structured over a ten-year period. At that time, they would expect any abatement to go away. Today, Allen O'Neill pays no taxes through PILOT. However, they now have to form an LLC, which will mean they will not be eligible for PILOT status. The information that the RTM is looking for will come in the contract, not in this ordinance. Once

there is a contract under negotiation, any questions can be raised and answered. This is just the enabling legislation.

Chris Noe, District II, said this has been tailored for Allen O'Neill. It is a tool that is broad and powerful. They are not prepared to vote on this tonight. They have a much bigger problem than Allen O'Neill; they are short 500 affordable units.

Flora Smith, District I, said TGS&A had commented that RTM committees are looking at different versions of this resolution. TGS&A voted to postpone. This is not a way that they should do business. Many of the committees tonight have not had the time to look at this. She asked what the rush was.

The Moderator noted that everyone had the same amendment and that the item had originally been assigned to committees in October..

Marc Thorne, District II, said the only outstanding issue is the role of the Board of Finance. He suggested that the Board of Finance should have an advisory role.

**** MARC THORNE, DISTRICT II, MOVED THE FOLLOWING AMENDMENT:**

WHEREAS, the Darien Tax Abatement Ordinance for Low and Moderate Income Housing has been reviewed by a series of Committees of the Representative Town Meeting of the Town of Darien; and

WHEREAS, it is the desire of some members to include the Board of Finance of the Town of Darien in the process of adopting any contract allowing for an abatement; and

WHEREAS, it is the desire of some members of the RTM to specify the role of the Board of Finance in the proposed ordinance.

THEREFORE, BE AND IT IS HEREBY RESOLVED that the Darien Tax Abatement Ordinance for Low and Moderate Income Housing is hereby amended. In particular, section 1, paragraph (b) is amended to include the following language:

Any contract between the Town with owners of low and moderate income housing, granting an abatement, in whole or part, of the taxes on the real estate used for such low and moderate income housing shall be forwarded to the Board of Finance of the Town of Darien prior to consideration of any contract by the RTM. The recommendation by the Board of Finance shall be advisory in nature. Within thirty (30) days of the request for recommendation, the Board of Finance shall forward its recommendations to the RTM for its consideration. Failure by the Board of Finance to make a recommendation within said time frame will result in a presumption of approval by said Board.

**** THE MOTION TO AMEND WAS SECONDED FROM THE FLOOR.**

Robert Young, District III, raised a Point of Order. He said that Mr. van der Kieft was raising his hand to make a motion to postpone and had asked to speak first.

The Moderator said that the motion to postpone to a date certain did take precedence and she recognized Mr. van der Kieft.

**** JOHN VAN DER KIEFT, DISTRICT V, MOVED TO POSTPONE UNTIL THE NEXT SCHEDULED RTM MEETING (MARCH 15TH) TO PROVIDE SUFFICIENT TIME FOR COMMITTEES TO FULLY ASSESS THIS PROPOSAL. (ITEM 10-5A)**

**** THE MOTION WAS SECONDED FROM THE FLOOR.**

Peter Kelly, District I, said it is very difficult to obtain detailed information in order to make decisions. He fully supports this motion to postpone. They should have a presentation and a two-page "executive" summary.

Jack Davis, District V, said he was not in favor of tabling this because no more work will be done by March to give anyone extra insight. Finance & Budget reviewed this ordinance and suggested that the Board of Finance have an advisory role.

Diana Nizolek, District V, said she is on TGS&A and they met tonight. She thought this could be a helpful tool to encourage affordable housing. She has a lot of questions. If they are going to pass legislation, they should make sure it is done right.

Holly Kelly, District VI, a member of TGS&A, said she researched this and took it seriously. She is disappointed about delaying something for questions that she found the answers to in two weeks, while she was extremely busy. The questions still outstanding have to do with the contract, which will come before the RTM again. She hopes that they vote tonight.

John Price, District I, said all three committees had adequate time to get their questions answered. At a meeting last week, they discussed the five issues that were very important.

Spencer McIlmurray, District II, said there are intent, use and procedure. He would vote for postponement to address and understand this.

Mary Ness, District I, a member of PZ&H, said that committee had voted to postpone. She has not had a chance to study this.

**** ITEM 10-5A (MOTION TO POSTPONE) CARRIED ON A RISING TALLY VOTE OF 43 IN FAVOR, 38 OPPOSED, 2 ABSTENTIONS.**

**** UPON MOTION MADE AND SECONDED FROM THE FLOOR, IT WAS VOTED TO ADJOURN AT 10:30 P.M.**

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

APPENDIX

<u>DISTRICT I</u>	<u>(10-1)</u>	<u>(10-2)</u>	<u>(10-3)</u>	<u>(10-4)</u>	<u>(09-17a)</u>	postpone <u>(10-5a)</u>
Bishko	yes	yes	yes	yes	yes	yes
Harrington	yes	yes	yes	yes	yes	yes
Imbimbo	yes	yes	yes	yes	yes	no
Kahn	yes	yes	abstain	no	yes	yes
Kelly, P.	yes	yes	abstain	yes	yes	yes
Melz	yes	yes	yes	yes	yes	no
Nelson	yes	yes	yes	yes	yes	yes
Ness	yes	yes	yes	yes	yes	yes
Piccaro	absent	absent	absent	absent	absent	absent
Price	yes	yes	yes	yes	yes	no
Puzyk	yes	yes	yes	yes	yes	yes
Schneider	yes	yes	yes	yes	yes	yes
Schwarz	yes	yes	yes	yes	yes	no
Sini	yes	yes	yes	yes	yes	no
Smith	yes	yes	abstain	yes	yes	yes
Sommer	yes	yes	yes	yes	yes	yes
Tierney	yes	yes	yes	yes	yes	yes

DISTRICT II

Bacon	yes	yes	abstain	yes	yes	no
Carder	yes	yes	yes	yes	yes	no
Cummings	yes	yes	yes	yes	yes	yes
Gallo	yes	yes	yes	yes	yes	yes
Harman	yes	yes	yes	yes	yes	yes
Hoffman	yes	yes	yes	yes	yes	no
Howe	yes	yes	yes	yes	yes	no
Magida	yes	yes	yes	yes	yes	no
Maguire	yes	yes	yes	yes	yes	no
Marston	yes	yes	yes	yes	abstain	no
McIlmurray	yes	yes	yes	yes	yes	yes
Mundt	yes	yes	yes	yes	yes	no
Noe	absent	absent	yes	yes	yes	yes
Ridley	yes	yes	yes	yes	yes	no
Seelye	yes	yes	yes	yes	yes	yes
Thorne, B.	yes	yes	yes	yes	yes	no
Thorne, M	yes	yes	yes	yes	yes	no

DISTRICT III

Bayne	yes	yes	yes	yes	yes	no
Brode	yes	yes	yes	yes	yes	no
Burke	yes	yes	yes	yes	yes	yes
Cardone	yes	yes	yes	yes	yes	yes
Coyle	yes	yes	yes	yes	yes	yes
Duffy	yes	yes	yes	yes	yes	yes
D'Urso	yes	yes	yes	yes	yes	no
Fead	absent	absent	absent	absent	absent	absent
Ferretti	yes	yes	yes	yes	yes	yes
LeHan	yes	yes	yes	yes	yes	absent
Maroney	absent	absent	absent	absent	absent	absent
Martens	absent	absent	yes	yes	yes	absent
Moore	yes	yes	yes	yes	yes	no
Morton	absent	absent	absent	absent	absent	absent
Olvany	yes	yes	yes	yes	yes	no
Pullen	yes	yes	yes	yes	yes	absent
Smith	absent	absent	absent	absent	absent	absent
Young	yes	yes	yes	yes	yes	yes

<u>DISTRICT IV</u>	<u>(10-1)</u>	<u>(10-2)</u>	<u>(10-3)</u>	<u>(10-4)</u>	<u>(09-17a)</u>	postpone <u>(10-5a)</u>
Cameron	yes	yes	yes	absent	absent	no
Cleary	yes	yes	yes	yes	yes	no
Davis	yes	yes	yes	yes	yes	no
Eng	yes	yes	yes	yes	yes	no
Kemp	yes	yes	yes	yes	yes	?
McIlree	yes	yes	yes	yes	yes	yes
Millar	absent	absent	absent	absent	absent	absent
Miller	absent	absent	absent	absent	absent	absent
Morrison	absent	absent	absent	absent	absent	absent
Peters	absent	absent	absent	absent	absent	absent
Pratt	yes	yes	yes	yes	yes	yes
Rayhill	yes	yes	yes	yes	yes	yes
Rycenga	yes	yes	yes	yes	yes	yes
Savage	yes	yes	yes	yes	yes	no
C.Schoonmaker	yes	yes	yes	yes	yes	yes
S.Schoonmaker	yes	yes	yes	yes	yes	yes

DISTRICT V (09-7b1)

Adiletta	yes	yes	yes	yes	yes	no
Camuti	yes	yes	yes	yes	yes	abstain
Conniff	yes	yes	yes	yes	yes	no
Dailey	yes	yes	yes	yes	yes	yes
Davis	yes	yes	yes	yes	yes	no
George	absent	absent	absent	absent	absent	absent
Hennessy	yes	yes	yes	yes	yes	yes
Nizolek	yes	yes	yes	yes	yes	yes
Orr	yes	yes	yes	yes	yes	no
Patrick	yes	yes	yes	yes	yes	no
Ritchie	yes	yes	yes	yes	yes	yes
Russell	yes	yes	yes	yes	yes	yes
Sharp	yes	yes	yes	yes	yes	yes
Stolar	yes	yes	yes	yes	yes	yes
vanderkieft	yes	yes	yes	yes	yes	yes
Wolcott	yes	yes	yes	yes	yes	no

DISTRICT VI (09-7b1)

Adelman	yes	yes	yes	yes	yes	no
Armour	Did not vote			yes		
Baldwin	yes	yes	yes	yes	yes	no
Bealle	absent	absent	absent	absent	absent	absent
Conologue	yes	yes	yes	yes	yes	yes
Grogan	yes	yes	yes	yes	yes	no
Guimond	yes	yes	yes	yes	yes	yes
Guimond	yes	yes	yes	yes	yes	yes
Hawkins	yes	yes	yes	yes	yes	no
Kelly, H.	yes	yes	yes	yes	yes	no
McDermott	yes	yes	yes	yes	yes	yes
McLean	yes	yes	yes	yes	yes	no
McNamara	yes	yes	yes	yes	yes	abstain
Poli	yes	yes	yes	yes	yes	yes
Swenson	yes	yes	yes	yes	yes	yes
Whitehead	yes	yes	yes	absent	absent	absent

**Public Health & Safety Committee
Report to the RTM
January 25, 2010**

(10-1) Resolution Authorizing the Acceptance of a Recovery Act CT Local Pass-Through Justice Assistance Grant for the Darien Police Department and Appropriating Funds to Purchase the Equipment Covered by the Grant.

Good evening. I am Carolyn Schoonmaker, District 4 and Chairman of the PH&S Committee.

If there are no objections, I propose to waive the reading of Resolution (10-1)

I move the Resolution (10-1) and ask for a second.

The Public Health & Safety Committee met on Thursday, January 21, 2010, with 7 of 12 members present representing a quorum.

We invited Chief Duane Lovello to our meeting to speak to the committee about a number of matters coming before you tonight. Regarding Resolution (10-1), he explained that the Town had approved the expenditure of up to \$30,000 for the purchase of video production equipment which had to be purchased, installed and approved. The expenditure is to be reimbursed by the Justice Assistance Grant.

The committee voted unanimously in support of Resolution (10-1).

**Respectfully submitted,
Carolyn Schoonmaker,
Chairman**

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(10-1) RTM RESOLUTION AUTHORIZING THE ACCEPTANCE OF JUSTICE
ASSISTANT GRANT AWARDED TO THE DARIEN POLICE DEPT FOR
TRAINING VIDEOS AND APPROPRIATING FUNDS TO PURCHASE
EQUIPMENT**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum. Joining us for the meeting was Chief Duane Lovello of the Police Dept. to provide background on this resolution and others concerning Police Dept. items on the agenda.

This \$30k grant will cover the purchase of audio/video equipment that would aid in the training of police officers. With the schedules of the 51 officers it becomes difficult to coordinate training and this equipment would provide much needed flexibility. They have been working with students at the high school and sharing their equipment and while it's been a successful endeavor some scheduling conflicts arise.

The Committee voted unanimously to approve this resolution and recommends the RTM to vote in favor of this resolution

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

**Public Health & Safety Committee
Report to the RTM
January 25, 2010**

**(10-2) Resolution Accepting the Gift for Accident Investigation Software
& Equipment for the Darien Police Department From the Darien
Technology and Community Foundation**

**If there are no objections, I propose to waive the reading of Resolution
(10-2).**

I move the Resolution (10-2) and ask for a second.

**The Public Health & Safety Committee met with Chief Lovello on this
Resolution on January 21, 2010, with 7 of 12 members present, and
voted unanimously to accept the gift of up to \$20,000 for software,
equipment and training for the Darien Police Department.**

**Respectfully submitted,
Carolyn Schoonmaker,
Chairman**

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(10-2) RTM RESOLUTION ACCEPTING THE GIFT FOR ACCIDENT
INVESTIGATION SOFTWARE AND EQUIPMENT FOR THE POLICE DEPT.**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum. Joining us for the meeting was Chief Duane Lovello of the Police Dept. to provide background on this resolution and others concerning Police Dept. items on the agenda.

This \$20K gift of accident investigation software and related technology will be extremely helpful in crime and accident scene assessment and investigation. The training is included so no additional costs will be incurred.

The Committee voted unanimously to approve this resolution and recommends the RTM to vote in favor of this resolution. And we thank the Darien Technology and Community Fund for continuing to support the technology needs of the Town.

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

PUBLIC HEALTH & SAFETY COMMITTEE
Report to the RTM
January 25, 2010

**(10-3) Resolution for Approval of a Mutual Police Assistance Compact
Pursuant to State Statute**

**I am Carolyn Schoonmaker, District 4 and Chairman of PH&S
Committee.**

**If there are no objections, I propose to waive the reading of Resolution
(10-3)**

I move the Resolution (10-3) and ask for a second.

**Public Health & Safety Committee met on January 21, 2010, with 7 of
12 members present representing a quorum. Chief Duane Lovello
attended our meeting to explain this Resolution. After a number of
questions, we postponed the vote in order to receive more information
from him on a few items.**

**We asked what types of non-emergency situations might occur between
Stamford, New Canaan and Darien, aside from DWI enforcement and
what costs would Darien incur? The DWI enforcement program, when
regional, can participate in a grant-funded program.**

**We also asked why Norwalk was not included in this agreement because
it is contiguous. Chief Lovello indicated that Darien wanted to start in
the new program in a small way.**

**In the interim, Chief Lovello wrote this response which I will quote in
part:**

**“The expenses incurred by Stamford and Greenwich have been minimal
as most of the initiatives they do together are grant funded.”**

**“Fairfield formed a regional traffic enforcement unit. Others have
formed pawn shop details, accident investigation teams, burglary
teams...some are entirely event driven and therefore difficult to
forecast.”**

"I think the best answer I could give you is that the existence of the agreement would not lead to any significant expense for Darien. As the agreement is voluntary and not compulsory in establishing what we can provide others, we do retain a very large degree of control over its use."

Eleven of twelve members of the
Public Health & Safety Committee met again on January 25, 2010, and
voted unanimously to support Resolution (10-3). *with the*
suggestion it be renewed after one year.

**Respectfully submitted,
Carolyn Schoonmaker,
Chairman**

Also, Chief Lovello indicated that no liability issues have been brought as a result of this type of agreement.

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(10-3) RTM RESOLUTION FOR APPROVAL OF A MUTUAL POLICE
ASSISTANCE COMPACT PURSUANT TO STATE STATUTE.**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum. Joining us for the meeting was Chief Duane Lovello of the Police Dept. to provide background on this resolution and others concerning Police Dept. items on the agenda.

This is an interagency agreement between Darien, New Canaan and Stamford provides for non-emergency cooperation in situations as simple as additional coverage at special events, such as football games and grant funded joint DWI checkpoints and enforcements. While these departments routinely cooperate in emergency situations, State statute requires a formal agreement for non-emergency operations.

The Committee voted unanimously to approve this resolution on the condition that paragraph six (6) of the agreement regarding indemnification of each party in the event of negligence is reviewed by the Town Administrator and Town Counsel to ensure that our existing insurance coverage is consistent and aligned with this interagency agreement indemnification conditions. - AND REPORT
BACK TO F&B AT HIS next regular meeting

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(10-4) RTM RESOLUTION ADOPTING AN ORDINANCE ESTABLISHING
TAX ABATEMENT FOR CERTAIN HANDICAPPED VEHICLES.**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

I move Resolution ⁽¹⁰⁻⁴⁾~~(09-20)~~ and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum. Joining us for the meeting were representatives of the Board of Finance to review this resolution and other items related to Finance and Budget topics.

This ordinance, which is common in many municipalities, provides for tax abatement for specifically modified vehicles that transport the handicapped. the grant of exemption would be strictly be for vehicles that are specially equipped to transport the incapacitated and proof of vehicle modification would be required as part of the application process. The financial impact is deemed to be minimal to the Town, as there are only currently two (2) pending requests that would abate about \$320 in taxes. It is anticipated that no more than 6 vehicles annually would qualify.

The Committee voted unanimously to approve this resolution and recommends that the RTM also approve.

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

**Public Health & Safety Committee
Report to RTM
January 25, 2010**

**(10-4) Resolution Adopting an Ordinance Establishing Tax Exemption
for Certain Handicapped Motor Vehicles**

**I am Carolyn Schoonmaker, District 4 and Chairman of Public Health
& Safety Committee.**

**PH&S Committee met on January 25, 2010, with ¹² of 12 members
present. We learned that there are ^{two} handicapped motor vehicles
in Darien at the present time. This did not seem to be put a burden on
the Town. The committee voted unanimously to support the Resolution.**

**Respectfully submitted,
Carolyn Schoonmaker,
Chairman.**

Good evening ~~Town officials, RTM Members, Darden Residents~~
~~and Guests~~

My name is Mark Adiletta and I am Chairman of the Public Works Committee.

At this time I would like to move Item 09-17a Consideration and action on the Tweedy property purchase for the Goodwives Sewer Extension Project and ask for a second.

Without objection I move to waive the reading of the Resolution.

On behalf of the PWC I present to the RTM for their consideration and ratification Item 09-17a.

At our meeting January 11th, with 11 of 14 members present, PWC voted: 9-Yea, 0-Nay, 2-Abstain to recommend this item to the RTM.

Based on^d meeting with the Assistant Director of Public Works, Mr. Ostafine in December as well as a review of Minutes to Sewer Commission meetings on this topic, the following overview was discussed at our meeting that day.

Background:

This item is a follow on Item 09-17 Appropriating \$2.7MM for the design & construction of a sewer extension project, purchase of real property & authorizing issue of Bonds which was approved by this body on October.

Specific Plan:

This project will bring town sewer service to 81 homes in the Goodwives River Road area. The Darien Sewer Authority will use this strip of land for directional drilling and construction of ~~the~~ a portion of the sewer line. The site is adjacent to the small bridge over Goodwives River at the north end of Gorhams Pond. This portion of the sewer line is part of the previously approved Goodwives Sewer Extension Project. This site is the most suitable choice for the line. And the cost is already included in the project. Note that an easement is not available making the purchase necessary.

Issues:

Several PWC members asked that I remind us all that the Stony Brook Pumping Station may be inadequate during heavy rain events and that it discharges raw sewage into Stony Brook during these events. This situation, though not unusual for systems in this region, should be taken into account 1) if/when future sewer hook ups are considered and 2) as prospective sewer related capital projects are evaluated. Several PWC members also noted that extension of services to this area may allow higher density development, including affordable housing, into the area.

Committee Comments: *Recap*

- This project is consistent with broad parameters of the Wastewater Facilities Plan adopted in 1997 and is supported by the property owners.
- Running the sewer line through this particular parcel of property is an important piece to the previously approved plan.
- The capital cost is borne by the benefiting property owners and the bonding was previously approved by this body.

The Committee wishes to thank Mr. Ostafine for his assistance.

The Public Works Committee asks that you vote "Yes" and ratify Item 09-17a authorizing the purchase of the ~~Goodwives River Road~~ Parcel 10218.

Thank you.

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(09-17a) RTM RESOLUTION AUTHORIZING THE BOS TO ENTER INTO A
CONTRACT TO PURCHASE PROPERTY FOR THE GOODWIVES RIVER
ROAD SEWER EXTENSION PROJECT**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum.

As most of you know, under Town Charter the RTM must approve the purchase of any real property and as outlined by the Public Works Committee, this property purchase is an integral part of the Goodwives River Road Sewer extension Project. This \$2.7 million project has received approval from the BOS, BOF and the Planning and Zoning Commission. And on Sept. 28, 2009, this body approved a resolution for the appropriation of funds to build and design the project and issue sewer bonds to finance the project.

The \$39,100 cost to purchase this property is included in the appropriation. As with any bonded sewer project, the costs to build and finance the project are borne by the users on the sanitary sewer. We saw no long term implications to the Town finances, including any impact to the bond rating of Town when we approved the project last year.

The Committee voted unanimously to approve this resolution and recommends the RTM to vote in favor of this resolution

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

TAX ABATEMENT ORDINANCE
FOR LOW AND MODERATE INCOME HOUSING

PZ&H Committee Report - Jan. 25, 2010

PZ&H believes this is a very important proposal that not only involves affordable housing considerations but also may have tax policy implications. We have met two times with each virtually dedicated to the tax abatement proposal.

We first met on Wed. Jan. 13.

Also present was Mr. Schoonmaker, who is leading a sub-committee for TGS&A's consideration of the Tax Abatement proposal.

After much discussion and debate, over the drafted Ordinance, it was apparent to the Committee and Mr. Schoonmaker that there were a number of questions of which Town Counsel should be consulted for explanation, and possible suggested changes or amendment.

On Wed. Jan. 20 PZ&H hosted ^{*TRANSFORMATION*} an informal informational meeting with Messrs. Fox and Schmidt, which included representatives of TGS&A and F&B, as well as members of the BOS, BOF and the public

Since that meeting F&B has prepared a suggested amendment for consideration.

Following the "informational meeting" committee members remained to discuss thoughts towards the idea of a tax abatement.

Concerns expressed were:

Is there a need.

In spite of an appreciation for tax abatements serving as an incentive to developers ^{and owners,} some members questioned whether there was a genuine need, as the lack of a tax abatement has not been a deterrent to proposed projects in town. One project, Garden Homes conversion of their former office building on the Post Road, has been approved and is underway.

Two other applications are in review and neither is predicated upon a tax abatement.

Our Tax Assessor advises that in his 5 years in Darien he has not had a developer or owner indicate his plans were dependent on a tax abatement.

He has had "across-the-counter" informal inquiries. However there appears to have been no abandonment of plans to develop affordable housing in the absence of a tax abatement.

Do other towns similar to Darien offer low and moderate income housing tax abatements

There are towns similar to Darien in demographics, size and nature that do not offer tax abatements for low and moderate income housing.

New Canaan, Wilton, Ridgefield, Avon, and Canton do not.

Greenwich does not offer tax abatements.

We were advised one reason they do not, is that since low and moderate income housing is valued lower than market rate, these units are already taxed at a lower rate. ~~has~~

Consequently these towns feel owners are already receiving adequate financial consideration.

Westport offers tax abatements for non-profits, but not for-profits.

X X X

While the "informational" meeting with Town Counsel answered a number of questions there continue to be questions Committee members want to address.

Among them are:

Involvement of the Board of Finance in either a decision or advisory capacity. (I am aware a last minute amendment proposed by F&B addresses this issue.)

Results of the BOF's decision to assess what impact the abatement may have on the Town's Tax Policy.

How and will tax abatements be applied to accessory apartments, which have been recommended as a strategy in the BOS's Affordable Housing Plan.

Will abatements apply to 2-family homes.

Should tax abatements be offered to both for-profit and non-profit owners.

As a number of costly projects are on the horizon, is this a good time to be introducing a tax abatement? Projects such as ---

renovation of the police station

renovation of Weed Beach

potential relocation of the Sr. Center, and its demolition

potential reconfiguration of the BOE or

35 Leroy to accommodate the Senior Center

water mitigation measures in Noroton Heights

The Committee is also cognizant of a pattern of annual increases in the school budget.

As there continues to be a number of unanswered questions, a motion was made to advise the RTM to delay the vote on the Tax Abatement Ordinance until the Committee can receive additional input from the BOF, to allow for additional time for consideration, to answer unanswered questions, and to review a final draft.

With 13 members present the vote was 9 in favor to postpone, 4 not in favor and no abstentions.

MADAM MODERATOR --- WOULD YOU PLEASE INFORM ME WHEN

IT IS APPROPRIATE TO COME BACK AND PLACE A MOTION ON THE FLOOR.

**Finance & Budget Committee
Report to RTM, Jan. 25, 2010**

**(10-5) RTM RESOLUTION ADOPTING ENABLING LEGISLATION IN THE
FORM OF A TAX ABATEMENT ORDINANCE FOR LOW AND MODERATE
INCOME HOUSING**

I am Bruce Orr, District 5 and Chair of Finance and Budget.

The F&B committee met on Jan. 21 2010, with 11 of 16 members present comprising a quorum. Joining us to comment on this resolution were representatives from the BOF and several private citizens who expressed positions on both sides of the financial impact to the Town regarding affordable housing tax abatements.

This Committee, whose primary responsibility is to asses, analyze and report to this body on financial matters of Town had a robust discussion centered primarily on any current or future impact on Town in the event that a tax abatement ordinance is enacted.

While the draft ordinance as written is extremely limiting in regards to criteria for the granting of a tax abatement contract, i.e. the requirement for 50% affordable units, it also very restrictive in the approval process, i.e. BOS approval, P&Z granting a highly qualified special permit and ultimately approval by the RTM. One area of concern that was expressed by nearly all the members of the Committee was the lack of wording requiring any financial oversight in the process of granting a specific abatement and contract.

That said, the consensus of the Committee was that the BOF be involved in an advisory capacity to asses the financial impact of any abatement contract that comes forward to the RTM for approval.

The Committee voted unanimously to approve this resolution subject to amending the resolution to include language regarding the role of the BOF in granting any tax abatement contracts. **Therefore, I would like to move a motion to amend the resolution with the following language: {READ PROPOSED AMENDMENT}**

Bruce G. Orr, Sr.
Chairman
Jan. 25, 2010

Martha Banks, Board of Finance 1/25/10

- BOF supports affordable housing
- We feel that tax abatements are a tool that can be used in the town's affordable housing strategy
- We all agree, though, that any affordable housing tax abatement ordinance should include the BOF in more than an advisory role
- Tax abatements have financial implications that impact our budget and can run on for multiple years
- The BOF is charged with the management of the town budget
- Abatements impact revenue, hence are a part of the town's financial plan.
- An abatement, all else being equal, will impact the mill rate.
- If somebody pays less, someone else will pay more.
- An abatement proposal should follow the normal procedures for financial issues – BOS approval, BOF approval and RTM approval.
- That said, the BOF expects to work closely with the BOS on evaluating the benefits and financial impacts of any proposed abatements.
- Working together is the best way to ensure that a decision that is in the best interest of the town is reached and is likely to be approved by the RTM.

Other comments/questions regarding consideration of a proposed abatement ordinance:

- What criteria will be used to grant an abatement? Strictly financial?
- Abatements should not be given until the benefit of the abatement to the town is clearly identified
- Abatement should be for a much shorter period than 39 years
- Abatements should have limited terms and be on a sliding scale so that they do not permanently impact the tax base
- Organizations receiving abatements should be required to make an annual presentation to the town documenting their continued need for an abatement